

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANE DOE,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware
corporation, and IMDB.COM, INC., a
Delaware corporation,

Defendants.

No. 2:11-CV-01709-JCC

**DECLARATION OF GIANCARLO
CAIRELLA IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PURSUANT TO RULE 10(a)**

I, Giancarlo Cairella, hereby declare as follows:

1. I am Customer Service Manager with Defendant IMDb.com, Inc. ("IMDb.com") and have held this position from 2001 to the present. I make this declaration based upon my personal knowledge and, if asked, would testify to the truth of the matters herein.

2. The IMDb.com website, www.IMDb.com, publicly displays factual information about movies, television shows, and the actors, directors, and other professionals who make them, including their dates of birth.

3. Since 1998, IMDb.com has been a wholly-owned subsidiary of Defendant Amazon.com, Inc. ("Amazon.com") based in Seattle, Washington. IMDb.com and Amazon.com will be referred to collectively here as "IMDb.com" unless otherwise stated.

DECLARATION OF G. CAIRELLA IN SUPPORT
OF DEFENDANTS' MOTION TO DISMISS
UNDER RULE 10(a) (NO. 2:11-CV-01709) – 1

24976-0480/LEGAL22091275.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
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Phone: 206.359.8000
Fax: 206.359.9000

1 4. IMDb.com believes that it has discerned the identity of Plaintiff Jane Doe
2
3 ("Plaintiff"), based on her description in the Complaint and past communications to IMDb.com
4
5 from and on behalf of an actress fitting that description. However, IMDb.com cannot be certain
6
7 that it has correctly identified Plaintiff. At least one other actor also fits the description of
8
9 Plaintiff in the Complaint (*i.e.*, is from Texas, of Asian descent, around 40 years old, and has
10
11 previously requested that IMDb remove her birth date from her profile). Further, there are a
12
13 number of discrepancies between factual allegations in the Complaint and data in IMDb.com
14
15 records and in prior communications to IMDb.com from the actress who IMDb.com believes is
16
17 Plaintiff.

18
19 5. Attached as Exhibit A is a true and correct copy of IMDb.com account
20
21 registration data for the actress IMDb.com believes is Plaintiff. (The actress IMDb.com believes
22
23 is Plaintiff is identified as "Plaintiff" hereafter throughout this declaration for ease of reference.)
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25 This data, prepared and maintained by IMDb.com in the normal course of business, shows that
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27 Plaintiff first registered with IMDb.com on or about November 27, 2001 and first subscribed to
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29 IMDbPro on or about June 15, 2004. Note that IMDb.com has redacted Plaintiff's name and
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31 other identifying information from Exhibit A until the Court confirms that Plaintiff is not entitled
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33 to proceed with her claims anonymously and IMDb.com is able to definitively verify Plaintiff's
34
35 identity.

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37 6. Attached as Exhibit B is a true and correct copy of a letter, dated December 16,
38
39 2008, from [REDACTED] to IMDb.com, regarding Plaintiff's claims that her
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41 birthdates as displayed on IMDb.com were erroneous; referencing various materials Plaintiff
42
43 allegedly provided to substantiate her true age but which bore indicia of forgery, tampering or
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45 other invalidity; and threatening the invocation of "judicial intervention" if Plaintiff's birth date
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47 was not removed from the IMDb.com website. Note that IMDb.com has redacted Plaintiff's
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49 name and other identifying information from Exhibit B until the Court confirms that Plaintiff is
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DECLARATION OF G. CAIRELLA IN SUPPORT
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1 not entitled to proceed with her claims anonymously and IMDb.com is able to definitively verify
2 Plaintiff's identity.
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4 7. Attached as Exhibit C is a true and correct copy of a letter from attorney John W.
5 Dozier Jr. of Dozier Internet Law, P.C. to Amazon.com, Inc. dated May 4, 2011, regarding
6 display of the "real birthdate" of Plaintiff on the IMDb.com website. The letter states that
7 Plaintiff registered for IMDbPro with her debit card in 2008; that it is Mr. Dozier's personal
8 suspicion ("I suspect") that IMDb.com has a pervasive, surreptitious practice of using
9 credit/debit card information to research and build up content on the IMDb.com site; and that he
10 may evaluate the merits of a class action on this issue if there is no mutually satisfactory
11 accommodation with his client. Note that IMDb.com has redacted Plaintiff's name and other
12 identifying information from Exhibit C until the Court confirms that Plaintiff is not entitled to
13 proceed with her claims anonymously and IMDb.com is able to definitively verify Plaintiff's
14 identity.
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26 I declare under penalty of perjury under the laws of the United States that the foregoing is
27 true and correct.
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33 DATED: November 9, 2011

By: 
Giancarlo Cairella

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DECLARATION OF G. CAIRELLA IN SUPPORT
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CERTIFICATE OF SERVICE

I certify that on November 9, 2011, I electronically filed the foregoing **DECLARATION OF GIANCARLO CAIRELLA IN SUPPORT OF MOTION TO DISMISS PURSUANT TO RULE 10(a)** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record

John W Dozier , Jr
Dozier Internet Law
301 Concourse Blvd
West Shore III , Ste 300
Glen Allen, VA 23059

____ Via hand delivery
____ Via U.S. Mail, 1st Class, Postage Prepaid
____ Via Overnight Delivery
____ Via Facsimile
____ Via Email
 X Via ECF

Randall Moeller
Derek Alan Newman
Newman & Newman
1201 Third Avenue, Ste 1600
Seattle, WA 98

____ Via hand delivery
____ Via U.S. Mail, 1st Class, Postage Prepaid
____ Via Overnight Delivery
____ Via Facsimile
____ Via Email
 X Via ECF

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 9th day of November, 2011.

s/ Elizabeth McDougall

Elizabeth McDougall, WSBA No. 272026
Breena M. Roos, WSBA No. 34501
Ashley Locke, WSBA No. 40521

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and IMDb.com, Inc.

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